

REMARKS

The Office Action dated June 14, 2006, has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

I. THE DOUBLE-PATENTING REJECTION OF CLAIMS 1-49 (10/878,342)

On pages 2-3 of the Office Action, claims 1-49 were provisionally rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-17, 21-38, 41-48, 51-58, and 61 of copending U.S. Patent Application No. 10/878,342.

To expedite the prosecution of the present patent application toward finality, this rejection is hereby respectfully traversed with the filing of a terminal disclaimer concurrently herewith. It should be noted, however, that the filing of a terminal disclaimer in the present patent application does not constitute an admission of the propriety of the obviousness-type double-patenting rejection. See MPEP § 804.02 and Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

In view of the foregoing, it is respectfully requested that the aforementioned double-patenting rejection of claims 1-49 be withdrawn.

II. THE DOUBLE-PATENTING REJECTION OF CLAIMS 1-6, 8-14, 18-22, 25-32, AND 49 (10/849,153)

On pages 3-4 of the Office Action, claims 1-6, 8-14, 18-22, 25-32, and 49 were provisionally rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-6, 14-20, 24-28, 37-44, and 45 of copending U.S. Patent Application No. 10/849,153.

To expedite the prosecution of the present patent application toward finality, this rejection is hereby respectfully traversed with the filing of a terminal disclaimer concurrently herewith. It should be noted, however, that the filing of a terminal disclaimer in the present patent application does not constitute an admission of the propriety of the obviousness-type double-patenting rejection. See MPEP § 804.02 and Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

In view of the foregoing, it is respectfully requested that the aforementioned double-patenting rejection of claims 1-6, 8-14, 18-22, 25-32, and 49 be withdrawn.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

U.S. Patent Application No.: 10/667,355
Attorney Docket No.: 57941.000016
Client Reference No.: RA262.CIP2.US

Respectfully submitted,

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